

Message

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Sent: 12/3/2018 8:01:44 PM
To: Mann, Laurie [mann.laurie@epa.gov]; Stoddard, Jamey [Stoddard.Jamey@epa.gov]; Guzzo, Lindsay [Guzzo.Lindsay@epa.gov]; Franklin, Richard [Franklin.Richard@epa.gov]; Cool, Richard [Cool.Richard@epa.gov]
Subject: FW: WA Hydro Dams NPDES wkly update, 12/3

Always exciting times in the Columbia River – here's the update from 11/20-12/3.

From: Wu, Jennifer
Sent: Monday, December 03, 2018 12:00 PM
To: Opalski, Dan <Opalski.Dan@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>; Weber, Courtney <Weber.Courtney@epa.gov>; Palmer, John <Palmer.John@epa.gov>; Merz, Martin <merz.martin@epa.gov>
Subject: WA Hydro Dams NPDES wkly update, 12/3

There are several significant issues since the last weekly update on timing of the public draft, tribal consultation conversations, letter from ODEQ, and permit prep for public comment. 316(b) is the biggest obstacle to move forward on public noticing permits. I'd appreciate help from management to resolve this issue. Support to resolve this issue will help significantly with workload planning for me and others working/supporting the permits public draft process. This week, I'm drafting letters to ODEQ and Colville Tribes (see below), providing updates on the permits, and preparing the permit for public comment (PCB monitoring, other Ecology comments, Temp approach language).

Lower Columbia and Lower Snake River Dams

1. Tribal Consultation.
 - a. Yakama Nation - Mike, Martin, Courtney and I met with Yakama Nation on Friday, November 30 in Toppenish. It was a good, productive meeting where we discussed the permit, their concerns, and process steps. If anyone is interested in more information, let me know. Chris Hladick, Dan, and EPA support staff may be requested to brief Tribal Council on January 8.
 - b. Umatilla Tribes (CTUIR) – I spoke with Audie Huber of CTUIR on Thursday, 11/29. He sent me CTUIR's tribal consultation procedures. Similar to Yakama Nation, EPA staff/first level manager will meet with tribal staff who will advise Tribal Council whether formal tribal consultation is recommended. Tribal staff would like to meet in January or February. Their concerns/interests were on oil spills, PCB monitoring, and consistency between EPA and ODEQ permits on the Lower Columbia dam permits (similar to Yakama Nation).
2. Columbia River Temperature TMDL – See below for 11/30 ruling staying the TMDL issuance date and impacts to timing of our public comment.
3. ODEQ 401(a)(2) downstream state – ODEQ sent EPA a letter on 11/30 to our 401(a)(2) letter with a precautionary objection and request that we withdraw our letter to allow for more time and to align the 60-day requests for 401 cert with Ecology and ODEQ. We are meeting this week internally to discuss. We also need to have closer communication with ODEQ on the permits, which may require elevation among EPA and ODEQ management.
4. 316(b) and Dams – 316(b) is the major uncertainty for going out for public comment. It is important to get resolution on this.
5. Ecology Draft 401 certification communications and status – We talked with Ecology on Wednesday, 11/27. We believe we can move forward on the comments. Ecology also sent their comments on the Grand Coulee permit and Fact Sheet last week.
6. ESA Consultation – John talked with Ritchie Graves early last week(?). NOAA still plans to issue a revised by BiOp by the end of December 2018. They will be including some language covering the operations of the dam with some overlap with our permit actions. We will go back to the BE once we issue the permits for public comment.

Grand Coulee

1. Draft 401 certification request to Colville Tribes and Ecology – We need to send a response letter to Colville Tribes' November 14, 2018 letter in response to our request for draft 401 certification. We planned to hold off until hearing word from EPA HQ on 316(b), but will respond this week. They requested information on our expected public notice date to help for their planning efforts to provide us with a draft 401 certification.
2. Tribal consultation – Yakama Nation indicated they were interested in the Grand Coulee Dam permit. I sent them the pre-draft permit and FS today, 12/3.
3. Columbia River Temperature TMDL – See below for update on TMDLs..
4. 316(b) and Dams – See above.
5. ESA Consultation – We have not drafted the BE for ESA consultation for the Grand Coulee Dam. We are waiting to hear from the Services on our approach on the Lower Columbia River and Lower Snake River dams and will apply the same approach.

Overall

1. Columbia River Temperature TMDL – The Columbia River temperature TMDL 60-day issuance was stayed on Friday, 11/30. Therefore, the TMDL won't be issued on December 17, but could be issued on or before December 31 if EPA appeals the case, or several months out, if it isn't. If we resolve the 316(b) issue, I would like to go to for public comment on the permits with the TMDL if it is issued on or before December 31, or in early January if it isn't. This impacts the temperature requirements in the permits and how we discuss it in the permit and FS. We are meeting internally to discuss more.
2. Internal communications – no updates
3. External communications – I've been talking externally on these permits with many entities to make sure everyone is informed. Here's a description of outreach with different groups:
 - a. Tribes – See above for communications with Yakama Nation and CTUIR.
 - b. Services – See above for John's communication with NOAA on ESA consultation and plans to update
 - c. Federal Caucus - no update
 - d. BOR – I will be talking with BOR on 12/20 and received more outfall information on 12/3.
 - e. US Army Corps – I spoke with the Corps and am in continued conversations with them on various aspects of the permit. I will be getting PCB information from them.
 - f. Columbia Riverkeeper – no update
 - g. Ecology – see above. I'm in regular communication with Ellie and will be incorporating her comments in the permits.
ODEQ – see above
 - h. BPA – no update

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